

this section, the Director of the Office of Emergency Communications shall approve the State's statewide interoperable communications plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. §194(f)). The Conferees intend it to be the responsibility of the Director of Emergency Communications to ensure that the State-wide interoperability plans are designed to advance interoperability at all levels of government, consider applicable local and regional plans, and comply with the National Emergency Communications Plan, when complete. The Conference substitute provides that each State that receives a grant under this section shall certify that the grant is used for the intended purposes of the grant program.

The Conferees agreed to remove the Senate provision related to a review board to assist in reviewing the grant applications since the Department has entrusted that responsibility to peer review groups made of emergency communication experts.

The Conference substitute reflects the agreed-upon authorization of \$1.6 billion for the grant program under this section which shall be allocated over five fiscal years beginning in Fiscal Year 2008, after the completion of the National Emergency Communications Plan and its submission to Congress. The Conference substitute authorizes such sums as necessary for each fiscal year following the initial five year period. The Conferees agree that to ensure that grants are spent on effective measures to improve interoperability, the Secretary may not award a grant under this section for the purchase of equipment that does not meet applicable voluntary consensus standards, to the extent that such standards exist, unless the State demonstrates a compelling reason. The Conference substitute adopts the Senate provision, with modifications, that States receiving a grant under this section shall pass through 80 percent of the grant funds, or the functional equivalent, to local and tribal governments. The Conference substitute prohibits States from imposing unreasonable or unduly burdensome requirements on tribal governments as a condition of providing grant funds or resources.

The Conference substitute outlines the funding formula for the distribution of grant dollars to ensure that each State receives a minimum of funds for each fiscal year as follows: 0.50 percent for Fiscal Year 2008; 0.50 percent for Fiscal Year 2009; 0.45 percent for Fiscal Year 2010; 0.40 percent for Fiscal Year 2011; and 0.35 percent for Fiscal Year 2012 and each subsequent fiscal year. The territories of the United States are to receive no less than 0.08 percent of the total amount appropriated for grants under this title for each fiscal year.

The Conference substitute modifies the Senate's provision regarding the annual reporting requirement of States that receive grants. Reports to the Office of Emergency Communications shall be made publicly available, subject to redactions necessary to protect classified or other sensitive information. The Conference substitute requires that the Office of Emergency Communications submit to Congress an annual report detailing how the grants under this section facilitate the implementation of the Statewide interoperability plans and advance interoperability at all levels of government.

#### *Section 302. Border interoperability demonstration project*

There is no comparable House provision.

Section 302 of the Senate bill establishes an international border demonstration project involving at least six pilot projects aimed at improving interoperability along the U.S.-Canada and U.S.-Mexico borders.

The Conference substitute adopts the Senate provision, with modifications. The Senate provision establishes in the Department the International Border Community Interoperable Communications Demonstration Project. The Conference has agreed that the demonstration project will be carried out by the Office of Emergency Communications at the Department in coordination with the Federal Communications Commission and the Department of Commerce. The Conference directs that the demonstration project may only proceed after the Federal Communications Commission and the Department of Commerce have agreed upon the availability of the necessary spectrum resulting from the 800 megahertz rebanding process in the affected border areas.

The Conference substitute directs the Office of Emergency Communications to foster local and tribal, State and Federal interoperable communications in those communities selected for demonstration projects. The Office of Emergency Communications is also directed to identify solutions to facilitate interoperable communications across the national borders, provide technical assistance, and ensure the emergency responders can communicate in the event of natural disasters, acts of terrorism, and other man-made disasters. The Conference agrees that the Director of the Office of Emergency Communications shall receive a report from each State receiving funds under this section within 90 days of receiving the funds. The Conference substitute specifies that the Director may not fund a demonstration project for more than three years.

#### **TITLE IV—INCIDENT COMMAND SYSTEM**

##### *Section 401. Definitions*

There is no comparable House provision.

Section 1002 of the Senate bill includes several definitions relevant to credentialing and typing.

The Conference substitute adopts the Senate provision with minor modifications.

##### *Section 402. National exercise program design*

Section 301 of the House bill strengthens the design of the national exercise program to require the program to enhance the use and understanding of the Incident Command System (ICS).

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

##### *Section 403. National exercise program model exercises*

Section 302 of the House bill strengthens the national exercise program to enhance the use and understanding of ICS by requiring that the national exercise program include model exercises for use by State, local and tribal governments.

There is no comparable Senate provision.

The Conference substitute adopts the House provision with minor modifications.

##### *Section 404. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.*

Section 1001 of the Senate bill and section 303 of the House bill both contain language making it a responsibility of the Federal Emergency Management Agency (FEMA) regional directors to work with State and local governments to pre-identify sites where multi-jurisdictional incident command can be established. Additionally, section 1001 of the Senate bill creates a responsibility for FEMA regional directors to coordinate with the private sector to ensure private sector preparedness.

The Conference substitute adopts these provisions.

##### *Section 405. Federal response capability inventory*

There is no comparable House provision.

Section 1002 of the Senate bill establishes a database of all Federal personnel and resources credentialed and typed that are likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

The Conference substitute adopts the Senate provision with modifications integrating it into the Federal Response Capability Inventory established by the Post-Katrina Emergency Management Reform Act of 2006.

##### *Section 406. Reporting requirements*

There is no comparable House provision.

Section 1002 of the Senate bill requires an annual report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives detailing the number and qualifications of Federal personnel trained and ready to respond to a natural disaster, act of terrorism or other man-made disaster. This section also requires the Administrator to evaluate whether the list of credentialed FEMA personnel complies with the strategic human capital plan established by the Post-Katrina Emergency Management Reform Act of 2006.

The Conference substitute adopts the Senate provision with modifications which integrate the provisions into the reporting requirements of the Post-Katrina Emergency Management Reform Act of 2006.

##### *Section 407. Federal preparedness*

There is no comparable House provision.

A critical component of any incident command system is the use of common terminology for disaster response resources to ensure the correct resources are deployed to and used in an incident. Credentialing and typing involves using a common naming system to classify the capabilities or attributes of personnel and equipment, and is a fundamental part of the ICS. In order to fully implement ICS, section 1002 of the Senate bill requires DHS to establish standards for credentialing and typing personnel and other assets likely to be used to respond to disasters.

The Conference substitute adopts the Senate provision with modifications, amending the Post-Katrina Emergency Management Act to clarify that the typing and credentialing provisions will be used to enhance our national preparedness system. The Conference agrees that the typing and credentialing provisions are an essential part of enhancing our national preparedness system and that once completed, such data must be regularly updated so that an inventory of available resources is available to the Administrator of FEMA to aid in preparing for and responding to disasters.

##### *Section 408. Credentialing and typing*

There is no comparable House provision.

Section 1002 of the Senate bill requires DHS to establish standards for credentialing and typing personnel and other assets likely to be used to respond to disasters. Once the standards have been developed, the language requires DHS and other Federal agencies with responsibilities under the National Response Plan to type, credential, and inventory personnel and resources likely to be used in disaster response, to allow FEMA to be able to effectively coordinate the deployment and use of Federal resources in disaster response. The Senate bill also directs FEMA to distribute standards to Federal agencies with responsibilities under the National Response Plan, and State and local governments.

The Conference substitute adopts the Senate provisions with some modifications, requiring Federal agencies to credential and type incident management personnel, emergency response providers, and other personnel (including temporary personnel) and